

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

IN RE:  
PATRICIA S. KLEWANS  
Debtor

BCN #: 15-73320/FJS  
Chapter: 7

NOTICE OF MOTION

Wells Fargo Bank, N.A. has filed papers with the court to request an order granting relief from the Automatic Stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then on or before November 19, 2015, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
600 Granby Street  
Room 400  
Norfolk, VA 23510

You must also mail a copy to:

Auria Freeman, ESQ.  
SHAPIRO & BROWN, LLP  
501 Independence Parkway, Suite 203  
Chesapeake, Virginia 23320  
(757) 687-8777

- Attend the hearing on the motion or objection scheduled to be held on December 1, 2015 at the United States Bankruptcy Court, 600 Granby Street, Norfolk, VA 23510 in Courtroom 2 at 9:30 AM.

LINDSEY C. KELLY, ESQ.  
SHAPIRO & BROWN, LLP  
501 Independence Parkway, Suite 203  
Chesapeake, Virginia 23320 Attorneys for Wells Fargo Bank, N.A.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

15-254015

Dated: November 5, 2015

SHAPIRO & BROWN, LLP  
Attorneys for Wells Fargo Bank, N.A.

By: /s/ Auria Freeman

Lindsey C. Kelly, Esquire

VSBS #71314

James R. Meizanis, Esquire

VSBS #80692

Gregory N. Britto, Esquire

VSBS #22531

Auria Freeman, Esquire

VSBS #87483

SHAPIRO & BROWN, LLP

501 Independence Parkway, Suite 203

Chesapeake, Virginia 23320

(757) 687-8777

I certify that I have this 5th day of November, 2015, electronically transmitted and/or mailed by first class mail, postage pre-paid, a true copy of the foregoing Notice of Motion to the following:

Karen M Crowley  
Crowley, Liberatore, Ryan & Brogan, P.C. Town Point Center, Suite 300  
150 Boush Street  
Norfolk, VA 23510

Carolyn L. Camardo  
Chapter 7 Trustee  
5101 Cleveland Street Suite 200  
Virginia Beach, VA 23462

Patricia S. Klewans  
8404-B Atlantic Avenue  
Virginia Beach, VA 23451

/s/ Auria Freeman

Lindsey C. Kelly, Esquire

VSBS #71314

James R. Meizanis, Esquire

VSBS #80692

Gregory N. Britto, Esquire

VSBS #22531

Auria Freeman, Esquire

VSBS #87483

United States Bankruptcy Court  
Eastern District of Virginia  
Norfolk Division

In RE:  
Patricia S. Klewans  
Debtor

---

BCN#: 15-73320/FJS  
Chapter: 7

Wells Fargo Bank, N.A.  
Movant/Secured Creditor,

v.  
Patricia S. Klewans  
Debtor

Motion for Order Granting Relief from  
Automatic Stay

and  
Carolyn L. Camardo  
Trustee  
Respondents

Wells Fargo Bank, N.A., alleges as follows:

1. The bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001(a)-1.

2. The above named Debtor filed a Chapter 7 Petition in Bankruptcy with this Court on September 29, 2015.

3. Carolyn L. Camardo has been appointed by this Court as the Chapter 7 Trustee in this instant Bankruptcy proceeding.

4. Movant, Wells Fargo Bank, N.A., is the current holder of the subject note secured by the subject Deed of Trust. The original deed of trust holder was Wachovia Mortgage, FSB. The beneficial interest in the aforesaid Deed of Trust has been assigned to the Movant as evidenced by the Merger Document dated March 20, 2010. The note was originated by Wachovia Mortgage, FSB who endorsed the note to Wells Fargo Bank, N.A.. A copy of the Merger Document, Deed of Trust, and Note are attached hereto and incorporated herein by reference.

LINDSEY C. KELLY, ESQ.  
SHAPIRO & BROWN, LLP  
501 Independence Parkway, Suite 203  
Chesapeake, Virginia 23320 Attorneys for Wells Fargo Bank, N.A.

5. The subject deed of trust secures a parcel of real property (hereinafter "the Property") with the address of 8404 ATLANTIC AVE, Virginia Beach, VA 23451 and more particularly described in the Deed of Trust dated March 21, 2008 and recorded as Deed Instrument Number 20080328000352910 among the land records of the said city/county, as:

Unit No. 8404-B in 8404A and 8404B Atlantic Avenue, a Condominium, located at 8404A and 8404B Atlantic Avenue, in the Lynnhaven Borough of the City of Virginia Beach, State of Virginia, on property known, designated and numbered as Lot Four (4), Block eight (8), Section "D", as laid down on the REVISED Plat of Cape Henry, duly of record in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Map Book 7, Part 1, at page 79, hereinafter called the Condominium, according to condominium instruments dated the 20th Day of December 1978, recorded in the Clerk's Office of the Circuit Court of the City of Virginia Beach, Virginia in Deed Book 1861, at Page 106, et seq and in Map Book 131, at Page 32, together with an undivided interest in the common elements appertaining to that unit, and the rights, privileges and appurtenances thereto belonging, as declared in and as shown on the condominium instruments.

6. Movant is informed and believes, and, based upon such information and belief, alleges that title to the subject Property is currently vested in the name of the Debtor.

7. The Debtor is in default with regard to payments which have become due under the terms of the aforementioned note and deed of trust.

The Debtor is due for:

- o 3 monthly payments of \$2,165.31 each which were to be paid directly to Movant;
- o Total of \$6,495.93

8. As of October 27, 2015 The unpaid principal balance on the said note is \$392,108.82.

9. Movant has elected to initiate foreclosure proceedings on the Property with respect to the subject Trust Deed, but is prevented by the Automatic Stay from going forward with these proceedings.

10. Movant is informed and believes, and, based upon such information and belief, alleges that the Debtor has little or no equity in the property.

11. Continuation of the automatic stay of 11 U.S.C. § 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362 due to the aforementioned facts.

12. That the Movant has requested that the Court hear this matter on December 1, 2015 at 9:30 AM.

WHEREFORE, Movant prays for an order granting relief from Automatic Stay in order to pursue its remedies under the terms of its Note and Deed of Trust, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorneys fees and costs expended, and for such other and further relief as the Court and equity deem appropriate.

Dated: November 5, 2015

SHAPIRO & BROWN, LLP  
Attorneys for Movant

By: /s/ Auria Freeman

Lindsey C. Kelly, Esquire

VSBS #71314

James R. Meizanis, Esquire

VSBS #80692

Gregory N. Britto, Esquire

VSBS #22531

Auria Freeman, Esquire

VSBS #87483

SHAPIRO & BROWN, LLP

501 Independence Parkway, Suite 203

Chesapeake, Virginia 23320

(757) 687-8777 15-254015

NOTICE OF MOTION AND HEARING

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not wish the Court to grant the relief sought in this motion, or if you want the Court to consider your views on this motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address: Clerk of Court, United States Bankruptcy Court, 600 Granby Street, Norfolk, VA 23510, and serve a copy on the Movant. Unless a written response is filed and served within this fourteen day period, the Court may deem any opposition waived, treat the motion as conceded, and issue an Order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the expiration of the fourteen day period.

You may attend the preliminary hearing scheduled to be held on: December 1, 2015 at 9:30 AM in Courtroom 2, United States Bankruptcy Court, 600 Granby Street, Norfolk, VA 23510.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an Order granting the requested relief.

Dated: November 5, 2015

SHAPIRO & BROWN, LLP  
ATTORNEYS FOR THE MOVANT

/s/ Auria Freeman  
BY: Lindsey C. Kelly, Esquire  
VSB #71314  
James R. Meizanis, Esquire  
VSB #80692  
Gregory N. Britto, Esquire  
VSB #22531  
Auria Freeman, Esquire  
VSB #87483  
SHAPIRO & BROWN, LLP  
501 Independence Parkway, Suite 203  
Chesapeake, Virginia 23320  
(757) 687-8777 15-254015  
Counsel for Wells Fargo Bank, N.A.

Certificate of Service

I certify that I have this 5th day of November, 2015, electronically transmitted and/or mailed by first class mail, true copies of the Motion for Relief from the Automatic Stay and Notice of Motion and Hearing to each party required to receive notice.

Karen M Crowley  
Crowley, Liberatore, Ryan & Brogan, P.C. Town Point Center, Suite 300  
150 Boush Street  
Norfolk, VA 23510

Carolyn L. Camardo  
Chapter 7 Trustee  
5101 Cleveland Street Suite 200  
Virginia Beach, VA 23462

Patricia S. Klewans  
8404-B Atlantic Avenue  
Virginia Beach, VA 23451

/s/ Auria Freeman

Lindsey C. Kelly, Esquire

VSBS #71314

James R. Meizanis, Esquire

VSBS #80692

Gregory N. Britto, Esquire

VSBS #22531

Auria Freeman, Esquire

VSBS #87483

15-254015